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UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

In re  
THE ROMAN CATHOLIC ARCHBISHOP  
OF SAN FRANCISCO,  
Debtor and  
Debtor in Possession.

Case No. 23-30564  
Chapter 11  
Date: April 10, 2025  
Time: 1:30 p.m.  
Location: Via ZoomGov  
Judge: Hon. Dennis Montali

**FOURTH INTERIM APPLICATION OF WEINTRAUB TOBIN CHEDIAK  
COLEMAN GRODIN LAW CORPORATION FOR ALLOWANCE OF FEES AND  
REIMBURSEMENT OF EXPENSES AS SPECIAL LITIGATION COUNSEL  
FOR THE DEBTOR IN POSSESSION FOR THE PERIOD OF  
OCTOBER 1, 2024, THROUGH JANUARY 31, 2025**

Weintraub Tobin Chediak Coleman Grodin Law Corporation, (hereinafter “Weintraub”), special corporate and litigation attorneys for The Roman Catholic Archbishop of San Francisco, the debtor and debtor in possession (the “RCASF” or the “Debtor”), submits this fourth application (the “Application”) for interim allowance of fees and reimbursement of expenses for the four-month period of October 1, 2024, through and including January 31, 2025 (the “Application Period”) as set forth in the Request for Relief below. In support of this Application, Weintraub relies on this Application, the *Declaration of Paul E. Gaspari* (“Gaspari Decl.”) filed in support of this Application, the *Declaration of Fr. Patrick Summerhays* (“Summerhays Decl.”), and the pleadings and papers on file in this case, and on such other evidence and argument as may be submitted before or during the hearing on this Application.

## **I.**

### **RELIEF REQUESTED**

Through this Application, Weintraub requests an Order:

1. Approving on an interim basis, Weintraub’s fees in the amount of \$124,835.00 and reimbursement of expenses in the amount of \$8,575.88 for a total of \$133,410.88 incurred October 1, 2024, through and including January 31, 2025;
2. Authorizing payment to Weintraub by the Debtor of the unpaid balance of the allowed fees and expenses after application of any retainer; and
3. For such other relief as the Court deems just and proper.

## **II.**

### **BACKGROUND FACTS**

On August 21, 2023, the Debtor filed a voluntary Chapter 11 Bankruptcy Petition (“Petition Date”). The Debtor remains in possession of its estate, no trustee having been appointed. The Debtor is operating and managing its business as a debtor-in-possession pursuant to the provisions of Sections 1107 and 1108 of the Bankruptcy Code. On September 1, 2023, the Office of the United States Trustee appointed an Official Committee of Unsecured Creditors (the “Committee”) [ECF 58].

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1 A description of the Debtor's history, business operations, operational structure, the  
2 reasons for commencing the Chapter 11 Case, the relief sought from the Court, and the facts and  
3 circumstances supporting this Application are set forth in the *Declaration of Joseph J. Passarello*  
4 *in support of Chapter 11 Petition and First Day Motions* filed on August 21, 2023, at ECF 14  
5 ("Passarello Background Decl."), and the *Declaration of Paul E. Gaspari in Support of Chapter*  
6 *11 Petition and First Day Motions* filed on August 21, 2023 at ECF 15 ("Gaspari Decl.").

7 On September 25, 2023, the Court entered its order granting the Debtor's application to  
8 employ Weintraub as counsel, effective as of August 21, 2023 [ECF 166]. Weintraub is skilled in  
9 civil litigation and church law matters. Weintraub is counsel of record for the RCASF in the  
10 pending joint coordinated proceeding in Alameda Superior Court ("JCP 5108"), where all  
11 complaints against northern California diocesan entities are being jointly administered, including  
12 complaints filed against the RCASF. The Tobin & Tobin firm, prior to merger with Weintraub,  
13 has acted as outside counsel for the RCASF since approximately 1860. In addition to services  
14 defending the RCASF against abuse claims, Weintraub also has represented the RCASF in various  
15 other, non-abuse matters, including several employment related cases. Also, as part of the services  
16 the firm provides to the RCASF, from time to time, Weintraub advises the RCASF on general legal  
17 matters.

### 18 III.

#### 19 STATUS OF CASE

20 To avoid unnecessary duplication, the case status is set forth in the *Fourth Interim*  
21 *Application of Felderstein Fitzgerald Willoughby Pascuzzi & Rios LLP for Allowance of Fees and*  
22 *Reimbursement of Expenses as Counsel for Debtor in Possession* and incorporated herein by this  
23 reference.

### 24 IV.

#### 25 SERVICES RENDERED

26 The services performed by Weintraub in this case have been categorized into task billing  
27 categories. Detailed billing statements reflecting Weintraub's time records and out of pocket  
28 expenses, including a summary of the aggregate and itemized hours and total compensation

requested with respect to the professionals who provided compensable services are attached to the Gaspari Decl. as **Exhibit A**. The billing statements are organized by task, and the content of the billings included in each task is generally explained in paragraph 8 of the Gaspari Decl.

Attached to the Gaspari Decl. as **Exhibit B** is a summary of customary and comparable compensation provided by Weintraub describing the blended hourly rates of the various categories of timekeepers that provided services to the Debtor during the Application Period. The summary gives defined terms used in this exhibit the same meanings ascribed to them in ¶ C.3 of the UST Guidelines.

Attached to the Gaspari Decl. as **Exhibit C** is a copy of the “Attorney Fee Budget” agreed upon by and between the Debtor and Weintraub. This exhibit also includes a comparison of budgeted to actual fees sought during the Application Period. Weintraub is not submitting a detailed staffing plan or summary of fees and hours budgeted compared to fees and hours billed for each project category as this information is privileged and confidential.

A listing of the billing task categories showing the number of professional hours expended and fees incurred under each billing task category is shown below:

CATEGORY	HOURS	FEES
Case Administration	84.50	\$41,922.00
Other Contested Matters	31.60	\$15,690.00
Claims Administration and Objections	1.30	\$655.00
Fact Investigation/Development	9.70	\$4,725.00
Analysis/Strategy	24.30	\$9,431.50
Document/File Management	16.10	\$4,622.50
Settlement/Non-Binding ADR	21.40	\$8,972.50
Other Case Assessment	8.30	\$2,255.00
Pleadings	1.60	\$690.00
Court Mandated Conferences	16.00	7,600.00
Written Discovery	0.40	\$194.00
Document Production	63.40	\$23,400.00
Depositions	1.40	665.00

CATEGORY	HOURS	FEES
Expert Discovery	1.20	\$540.00
Other Discovery	7.10	3,195.00
Expert Witnesses	0.20	\$90.00
Enforcement	0.50	\$187.50
<b>Totals</b>	<b>289.00</b>	<b>\$124,835.00</b>

Below is a general description of the work performed in each task category.

A. Case Administration. Weintraub has utilized task billing codes consistent with the ABA Uniform Task-Based Management System, which provides that Case Administration shall consist of the following: coordination and compliance matters, including preparation of statement of financial affairs, schedules, list of contracts, United States Trustee interim statements and operating reports; contacts with the United States Trustee, and general creditor inquiries.

Weintraub followed the ABA description and expended 84.50 hours in this category for a total charge of \$41,922.00. The services performed in this category generally include but are not limited to communications regarding status, document requests, insurance coverage, Rule 2004 issues and discovery issues; review of records; preparation for mediation; and reviewing documents.

A breakdown of the professionals who billed time to Case Administration and the number of hours billed by each is as follows:

Professional	Hourly Rate	Hours Billed	Total
Paul E. Gaspari	\$485	47.30	\$22,940.50
Paul E. Gaspari	\$520	34.70	\$18,044.00
Alexa Horner	\$375	2.50	\$937.50
<b>Totals</b>		<b>84.50</b>	<b>\$41,922.00</b>

B. Other Contested Matters. Weintraub has utilized task billing codes consistent with the ABA Uniform Task-Based Management System, which provides that Other Contested Matters shall consist of the following: analysis and preparation of all other motions, opposition to motions and reply memoranda in support of motions.

Weintraub followed the ABA description and expended 31.60 hours in this category for a total charge of \$15,690.00. The services performed in this category generally include but are not limited to communications regarding request for documents; response to Committee regarding financials; review of memorandum regarding subpoena; communications regarding response to JCCP 5108 Case Management Conference Order.

A breakdown of the professionals who billed time to Other Contested Matters and the number of hours billed by each is as follows:

Professional	Hourly Rate	Hours Billed	Total
Paul E. Gaspari	\$485	21.20	\$10,282.00
Paul E. Gaspari	\$520	10.40	\$5,408.00
<b>Totals</b>		<b>31.60</b>	<b>\$15,690.00</b>

C. Claims Administration and Objections. Weintraub has utilized task billing codes consistent with the ABA Uniform Task-Based Management System, which provides that Claims Administration and Objections shall consist of the following: specific claim inquiries; bar date motions; analyses, objections and allowances of claims.

Weintraub generally followed the ABA definition and expended 1.30 hours in this category for a total charge of \$655.00, which primarily included substantial work on the complex claims procedures motion. The services performed in this category generally include but are not limited to preparation of memorandum to Weinstein re proofs of claim.

A breakdown of the professionals who billed time to Claims Administration and Objections and the number of hours billed by each is as follows:

Professional	Hourly Rate	Hours Billed	Total
Paul E. Gaspari	\$485	0.60	\$291.00
Paul E. Gaspari	\$520	0.70	\$364.00
<b>Totals</b>		<b>1.30</b>	<b>\$655.00</b>

D. Fact Investigation/Development. Weintraub has utilized task billing codes consistent with the Uniform Task-Based Management System, which provides that Fact Investigation/Development shall consist of the following: interview of client personnel/potential

witnesses; review of documents; work with an investigator; legal research for initial case assessment purposes; communication for fact investigation.

Weintraub generally followed the UTBMS definition and expended 9.70 hours in this category for a total charge of \$4,725.00. The services performed in this category generally include but are not limited to communications regarding status of discovery production; communications and review of plaintiff's demand letter; review and analysis of claimant's personnel file; and update and analysis of Creditor's Committee list of accused and claimants.

A breakdown of the professionals who billed time to Fact Investigation/Development and the number of hours billed by each is as follows:

Professional	Hourly Rate	Hours Billed	Total
Daniel C. Zamora	\$475	3.60	\$1,710.00
Daniel C. Zamora	\$500	5.70	\$2,850.00
Benjamin J. Lewis	\$375	0.20	\$75.00
Benjamin J. Lewis	\$450	0.20	\$90.00
<b>Totals</b>		<b>9.70</b>	<b>\$4,725.00</b>

E. Analysis/Strategy. Weintraub has utilized task billing codes consistent with the Uniform Task-Based Management System, which provides that plan Analysis/Strategy shall consist of the following: discussions/writings/meetings on case strategy; preparation of litigation plan; communication on case strategy.

Weintraub generally followed the UTBMS definition and expended 24.30 hours in this category for a total charge of \$9,431.50. The services performed in this category generally include but are not limited to: analysis and communications regarding strategies; review of claims and analysis; review of personnel file for discovery request/privileged information.

A breakdown of the professionals who billed time to Analysis/Strategy and the number of hours billed by each is as follows:

Professional	Hourly Rate	Hours Billed	Total
Paul E. Gaspari	\$520	0.20	\$104.00
Daniel C. Zamora	\$475	2.90	\$1,377.50

Professional	Hourly Rate	Hours Billed	Total
Monica A. Silver	\$375	21.20	\$7,950.00
<b>Totals</b>		<b>24.30</b>	<b>\$9,431.50</b>

F. Document/File Management. Weintraub has utilized task billing codes consistent with the Uniform Task-Based Management System, which provides that Document/File Management shall consist of the following: file organization/administration for database construction/management.

Weintraub generally followed the UTBMS definition and expended 16.10 hours in this category for a total charge of \$4,622.50. The services performed in this category generally include but are not limited to review and compiling of discovery responses for attorneys; communications regarding records from priests and schools, and rule 2004 requests; update claims chart; production of personnel files.

A breakdown of the professionals who billed time to Document/File Management and the number of hours billed by each is as follows:

Professional	Hourly Rate	Hours Billed	Total
Daniel C. Zamora	\$475	4.00	\$1,900.00
Brian Gonzaga	\$225	12.10	\$2,722.50
<b>Totals</b>		<b>16.10</b>	<b>\$4,622.50</b>

G. Settlement/Non-Binding ADR. Weintraub has utilized task billing codes consistent with the Uniform Task-Based Management System, which provides that Settlement/Non-Binding ADR shall consist of the following: planning/participation in settlement discussions/conferences; implementation of settlement; pursuing mediation; travel to/from mediation; attend mediation; prelitigation demand letters; research settlement; communications regarding settlement, mediation and ADR.

Weintraub generally followed the UTBMS definition and expended 21.40 hours in this category for a total charge of \$8,972.50. The services performed in this category generally include but are not limited to communications and preparation for mediation, preparation of additional analysis of proofs of claim for carrier request; review of personnel files for discovery request.



1 A breakdown of the professionals who billed time to Settlement/Non-Binding ADR and the  
2 number of hours billed by each is as follows:

3 Professional	Hourly Rate	Hours Billed	Total
4 Daniel C. Zamora	\$475	7.60	\$3,610.00
5 Benjamin J. Lewis	\$450	1.70	\$765.00
6 Benjamin J. Lewis	\$475	0.60	\$285.00
7 Monica A. Silver	\$375	11.50	\$4,312.50
8 Totals		21.40	\$8,972.50

9 H. Other Case Assessment, Development and Administration. Weintraub has utilized  
10 task billing codes consistent with the Uniform Task-Based Management System, which provides  
11 that plan Other Case Assessment, Development and Administration shall consist of the following:  
12 Other Case Assessment, Development and Administration.

13 Weintraub generally followed the UTBMS definition and expended 8.30 hours in this  
14 category for a total charge of \$2,255.00. The services performed in this category generally include  
15 but are not limited to review and gathering of fact sheets and proofs of claim for carriers.

16 A breakdown of the professionals who billed time to Other Case Assessment, Development  
17 and Administration and the number of hours billed by each is as follows:

18 Professional	Hourly Rate	Hours Billed	Total
19 Benjamin J. Lewis	\$450	0.50	\$225.00
20 Benjamin J. Lewis	\$475	0.80	\$380.00
21 Daniel C. Zamora	\$475	0.30	\$142.50
22 Brian Gonzaga	\$225	6.70	\$1,507.50
23 Totals		8.30	\$2,255.00

24 I. Pleadings. Weintraub has utilized task billing codes consistent with the Uniform  
25 Task-Based Management System, which provides that Pleadings shall consist of the following:  
26 drafting/editing pleadings, reviewing/answering complaints, motions to dismiss, jurisdictional  
27 motions and research for pleadings.

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Weintraub followed the UTBMS description and expended 1.60 hours in this category for a total charge of \$690.00. The services performed in this category generally include but are not limited to review of filed pleadings; communications regarding JCCP 5108 case management conference.

A breakdown of the professionals who billed time to Pleadings and the number of hours billed by each is as follows:

Professional	Hourly Rate	Hours Billed	Total
Benjamin J. Lewis	\$375	0.70	\$262.50
Benjamin J. Lewis	\$475	0.90	\$427.50
<b>Totals</b>		<b>1.60</b>	<b>\$690.00</b>

J. Court Mandated Conferences. Weintraub has utilized task billing codes consistent with the Uniform Task-Based Management System, which provides that plan Court Mandated Conferences shall consist of the following: preparing for hearing required by court order or procedural rules; travel to/from Court Ordered Conferences; attending hearing required by court order or procedural rules.

Weintraub generally followed the UTBMS definition and expended 16.00 hours in this category for a total charge of \$7,600.00. The services performed in this category generally include but are not limited to attending global mediation.

A breakdown of the professionals who billed time to Court Mandated Conferences and the number of hours billed by each is as follows:

Professional	Hourly Rate	Hours Billed	Total
Daniel C. Zamora	\$475	16.00	\$7,600.00
<b>Totals</b>		<b>16.00</b>	<b>\$7,600.00</b>

K. Written Discovery. Weintraub has utilized task billing codes consistent with the Uniform Task-Based Management System, which provides that plan Written Discovery shall consist of the following: developing, responding to, objecting to, and negotiating interrogatories and requests to admit; includes mandatory meet-and-confer sessions; also covers mandatory written disclosures as under FRCP Rule 26(a).

Weintraub generally followed the UTBMS definition and expended 0.40 hours in this category for a total charge of \$194.00. The services performed in this category generally include but are not limited to review of plaintiff fact sheets for upcoming mediation.

A breakdown of the professionals who billed time to Written Discovery and the number of hours billed by each is as follows:

Professional	Hourly Rate	Hours Billed	Total
Paul E. Gaspari	\$485	0.40	\$194.00
<b>Totals</b>		<b>0.40</b>	<b>\$194.00</b>

L. Document Production. Weintraub has utilized task billing codes consistent with the Uniform Task-Based Management System, which provides that plan Document Production shall consist of the following: developing, responding to, objecting to, and negotiating document requests, including the mandatory meet-and-confer sessions to resolve objections. Includes identifying documents for production, reviewing documents for privilege, effecting production, and preparing requested privilege lists.

Weintraub generally followed the UTBMS definition and expended 63.40 hours in this category for a total charge of \$23,400.00. The services performed in this category generally include but are not limited to review and production of personnel files to Committee; communications with counsel regarding status of production; production of documents; organize database of personnel files; prepare privilege logs for personnel files.

A breakdown of the professionals who billed time to Document Production and the number of hours billed by each is as follows:

Professional	Hourly Rate	Hours Billed	Total
Daniel C. Zamora	\$475	0.60	\$285.00
Benjamin J. Lewis	\$450	0.20	\$90.00
John Slavik	\$375	4.80	\$1,800.00
Monica A. Silver	\$375	50.90	\$19,087.50
Roberto G. Cruz	\$375	3.90	\$1,462.50
Brian Gonzaga	\$225	0.50	\$112.50

Professional	Hourly Rate	Hours Billed	Total
Jennye Melendez	\$225	2.50	\$562.50
<b>Totals</b>		<b>63.40</b>	<b>\$23,400.00</b>

M. Depositions. Weintraub has utilized task billing codes consistent with the Uniform Task-Based Management System, which provides that Depositions shall consist of the following: preparing deposition notices and subpoenas; communication with opposing party's counsel on scheduling and logistics; planning and preparing to take the deposition; discussion of deposition strategy; preparing witnesses; reviewing documents for deposition preparation; attending deposition; travel to/from depositions; drafting deposition summaries.

Weintraub generally followed the UTBMS definition and expended 1.40 hours in this category for a total charge of \$665.00. The services performed in this category generally include but are not limited to communications regarding response to insurance carrier document request.

A breakdown of the professionals who billed time to Depositions and the number of hours billed by each is as follows:

Professional	Hourly Rate	Hours Billed	Total
Daniel C. Zamora	\$475	1.40	\$665.00
<b>Totals</b>		<b>1.40</b>	<b>\$665.00</b>

N. Expert Discovery. Weintraub has utilized task billing codes consistent with the Uniform Task-Based Management System, which provides that Expert Discovery shall consist of the following: preparing expert discovery notices; communicating with expert discovery; discussing strategy; preparation and consultation with expert; review of expert documents; draft expert summaries.

Weintraub generally followed the UTBMS definition and expended 1.20 hours in this category for a total charge of \$540.00. The services performed in this category generally include but are not limited to communicating regarding expert discovery.

A breakdown of the professionals who billed time to Expert Discovery and the number of hours billed by each is as follows:

Professional	Hourly Rate	Hours Billed	Total
Benjamin J. Lewis	\$450	1.20	\$540.00
<b>Totals</b>		<b>1.20</b>	<b>\$540.00</b>

O. Other Discovery. Weintraub has utilized task billing codes consistent with the Uniform Task-Based Management System, which provides that Other Discovery shall consist of the following: any discovery-related legal work that doesn't fall under the standard categories like document requests, depositions, or interrogatories.

Weintraub followed the UTBMS description and expended 7.10 hours in this category for a total charge of \$3,195.00. The services performed in this category generally include but are not limited communications regarding medical production; review of other production.

A breakdown of the professionals who billed time to Other Discovery and the number of hours billed by each is as follows:

Professional	Hourly Rate	Hours Billed	Total
Benjamin J. Lewis	\$450	0.90	\$405.00
Audrey Millemann	\$450	6.20	\$2,790.00
<b>Totals</b>		<b>7.10</b>	<b>\$3,195.00</b>

P. Expert Witnesses. Weintraub has utilized task billing codes consistent with the Uniform Task-Based Management System, which provides that Expert Witnesses shall consist of the following: preparing for examination of expert witness; preparing for cross examination of expert witness.

Weintraub followed the UTBMS description and expended 0.20 hours in this category for a total charge of \$90.00. The services performed in this category generally include but are not limited to communications with IME expert.

A breakdown of the professionals who billed time to Expert Witnesses and the number of hours billed by each is as follows:

Professional	Hourly Rate	Hours Billed	Total
Benjamin J. Lewis	\$450	0.20	\$90.00
<b>Totals</b>		<b>0.20</b>	<b>\$90.00</b>

1 Q. Enforcement. Weintraub has utilized task billing codes consistent with the Uniform  
2 Task-Based Management System, which provides that Enforcement shall consist of the following:  
3 enforcing judgments; collecting judgments; and filings for stay pending appeal.

4 Weintraub followed the UTBMS description and expended 0.50 hours in this category for  
5 a total charge of \$187.50. The services performed in this category generally include but are not  
6 limited to communications regarding status of JCCP proceeding.

7 A breakdown of the professionals who billed time to Enforcement and the number of hours  
8 billed by each is as follows:

Professional	Hourly Rate	Hours Billed	Total
Benjamin J. Lewis	\$375	0.50	\$187.50
<b>Totals</b>		<b>0.50</b>	<b>\$187.50</b>

12 V.

13 **RESPONSIBLE PERSONNEL**

14 The professionals assigned to this chapter 11 case who performed more than five (5) hours  
15 of service are as follows:

16 Paul E. Gaspari (PEG). His billing rate during the period covered by this Application was  
17 \$485 and \$520 per hour. As a litigation shareholder of the firm, Paul advises clients on commercial  
18 law, insurance defense, public liability, real estate, and employment-related litigation.

19 Daniel C. Zamora (DCZ). His billing rate during the period covered by this Application  
20 was \$475 and \$500 per hour. Daniel is a shareholder and a member of the Firm's Litigation and  
21 Labor & Employment practice groups.

22 Audrey Millemann (AAM). Audrey Millemann is a shareholder and a member of the  
23 Firm's Litigation group. Her billing rate during the period covered by this Application was \$450  
24 per hour.

25 Benjamin J. Lewis (BJLE). His billing rate during the period covered by this Application  
26 was \$375, \$450 and \$475 per hour. Ben Lewis is an associate in the Firm's Litigation group, where  
27 he focuses his practice on education, employment, and non-profit/religious entity litigation.

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Monica Silver (MAS). Monica Silver is an associate in the Firm's Litigation group, and her billing rate during the period covered by this Application was \$375 per hour.

Brian Gonzaga (BGON). Brian Gonzaga is a paralegal in the Firm's Litigation group, and his billing rate during the period covered by this Application was \$225 per hour.

## VI.

### SUMMARY OF FEES AND EXPENSES

Detailed billing statements reflecting Weintraub's time records and out of pocket expenses filed as **Exhibit A** to the Gaspari Decl. in support of this Application reflects total fees in the amount of \$124,835.00 and expenses in the amount of \$8,575.88 for a total of \$133,410.88, incurred during the Application Period.

Professional	Hourly Rate	Hours Billed	Total
Paul E Gaspari	\$485	69.50	\$33,707.50
Paul E Gaspari	\$520	46.00	\$23,920.00
Daniel C. Zamora	\$475	36.40	\$17,290.00
Daniel C. Zamora	\$500	5.70	\$2,850.00
Benjamin J. Lewis	\$375	1.40	\$525.00
Benjamin J. Lewis	\$450	4.90	\$2,205.00
Benjamin J. Lewis	\$475	2.30	\$1,092.50
Audrey Millemann	\$450	6.20	\$2,790.00
John Slavik	\$375	4.80	\$1,800.00
Alexa K. Horner	\$375	2.50	\$937.50
Monica Silver	\$375	83.60	\$31,350.00
Roberto G. Cruz	\$375	3.90	\$1,462.50
Brian Gonzaga	\$225	19.30	\$4,342.50
Jennye Melendez	\$225	2.50	\$562.50
<b>Totals</b>		<b>289.00</b>	<b>\$124,835.00</b>

Weintraub has calculated a blended hourly rate of \$431.96 by dividing the total fees billed by the total number of hours recorded. Weintraub notes that in addition to the attorneys listed in the staffing plan, in order to timely review all Proofs of Claim and alleged perpetrator personnel files, many of which are voluminous, Weintraub utilized additional attorneys in the firm to undertake basic claim and file review and to identify and locate applicable student and or parish

1 records to evaluate and confirm underlying facts alleged in the Proofs of Claim. These additional  
2 attorneys were necessary to timely complete the review project so that the Debtor could produce  
3 the material to its insurance carriers to allow the mediation process to timely commence. No  
4 duplication of work was involved.

5 The expenses incurred during the period covered by this Application are as follows:

Category	Total
Subpoena Fees	\$162.00
Expert Witness Fees	\$8,321.88
Travel	\$92.00
<b>Total Expenses</b>	<b>\$8,575.88</b>

11 Weintraub requests an order under Bankruptcy Code section 330 approving fees in this case  
12 of \$124,835.00 and expenses in the amount of \$8,575.88 for a total of \$133,410.88 for the period  
13 of October 1, 2024, through and including January 31, 2025, as reasonable and necessary for the  
14 administration of this case.

## 15 VII.

### 16 FACTORS TO CONSIDER

17 The order approving Weintraub's employment authorizes compensation on a basis that  
18 would allow payment for services rendered on an hourly rate consistent with the Ninth Circuit  
19 decision in *In re Manoa Fin. Co.*, 853 F.2d 687 (9th Cir. 1988), after notice to all interested parties.  
20 Consistent with the *Manoa* Decision, various factors were suggested by the Court in *Johnson v.*  
21 *Georgia Highway Express, Inc.*, 488 F.2d 714 (5th Cir. 1974), for consideration in awarding  
22 compensation in a bankruptcy case. Though not specifically required for approval under the  
23 lodestar or *Manoa* case, several of the *Johnson* factors have been specifically codified by the  
24 Bankruptcy Reform Act of 1994 and as such, these factors are discussed below:

25 (a) **Time and labor required (11 U.S.C. § 330(a)(3)(A)):** Weintraub has  
26 utilized eight (8) attorneys and two (2) legal assistants who have expended 289.00 in billable hours  
27 during the Application period. The blended hourly rate based on the billed hours is \$431.96. This  
28 is a very reasonable rate for a case as complex and difficult as the present Case.



1                   **(b) Novelty and difficulty of the questions (11 U.S.C. § 330(a)(3)(D)):** This  
2 case involves many of the technical and complex problems faced by operating chapter 11 debtors  
3 in possession with operating businesses. This case, however, is unique in that it involves a non-  
4 profit religious institution with unique and complex issues surrounding litigation of abuse claims.

5                   **(c) Skill requisite to perform the services properly (11 U.S.C.**  
6 **§ 330(a)(3)(D)):** Weintraub is skilled in handling complex corporate and litigation matters and has  
7 special experience and knowledge which enables Weintraub to render services of benefit to the  
8 estate in an efficient manner. The attorneys who have contributed to this case have many years of  
9 combined experience in similarly complicated cases.

10                   **(d) Customary fees (11 U.S.C. §§ 330(a)(3)(B and E)):** The rates charged by  
11 Weintraub are Weintraub's standard billing rates (attorneys \$375 - \$520 per hour), which standard  
12 rates are the same rates (with a few exceptions for long term clients or specially negotiated limited  
13 engagement agreements) as generally used by Weintraub with respect to its non-debtor/trustee  
14 clients. The rates also are similar to the normal charges for similar work performed by similarly  
15 experienced and skilled attorneys and legal assistants in the Northern District of California  
16 bankruptcy courts. Weintraub requests that the Court take judicial notice of the rates generally  
17 charged and approved in fee applications before this Court and other cases in the Northern District  
18 of California.

19                   As further evidence of the reasonableness of Weintraub's hourly rates, Committee counsel  
20 Pachulski Stang Ziehl & Jones LLP's hourly rates for this matter are: \$545 for paralegals, and \$875-  
21 \$1,695 for partners; provided however that Pachulski Stang Ziehl & Jones LLP agreed to cap its  
22 blended hourly rate for all billing professionals at \$1,050 per hour. Hourly rates for financial  
23 advisor for the Committee range from \$450 - \$1,130 per hour for directors.

24                   **(e) Amount of work involved and result obtained (11 U.S.C. § 330(a)(3)(D)):**  
25 As stated above, Weintraub has expended 289.00 billable hours on behalf of the Debtor during the  
26 Application Period performing the services described herein.

27                   **(f) Experience, reputation, and ability of Weintraub:** Weintraub has many  
28 years of experience handling complex litigation and corporate cases. Weintraub also enjoys a

1 reputation for quality work and integrity in the legal community and before this Court.

2 (g) **Professional relationship with the client:** Other than as disclosed in its  
3 application for approval of employment of Weintraub, Weintraub has no relationship with the U.S.  
4 Trustee, the Debtor, its officers and directors, or its creditors.

5 (h) **Awards in similar cases (11 U.S.C. § 330(a)(3)(F)):** The compensation  
6 sought by this Application is consistent with that authorized in similar cases.

7 In addition to the foregoing *Johnson* factors, section 330 also examines whether the services  
8 were:

9 (i) **Necessary to the Administration of the Bankruptcy Case (11 U.S.C.**  
10 **§ 330(a)(3)(C)):** Weintraub respectfully submits that essentially all of Weintraub's services were  
11 necessary to the administration of this Case and in total have benefited the estate. Weintraub  
12 respectfully submits that as a whole its services were necessary and benefited the Estate.

### 13 VIII.

#### 14 PAYMENTS RECEIVED TO DATE; AVAILABILITY OF FUNDS

15 This is Weintraub's fourth interim fee motion. The Court's order on Weintraub's first  
16 interim fee application allowed interim payment of \$45,869 and costs incurred in the amount of  
17 \$1,746.15 for the period of August 21, 2023, through January 31, 2024 [ECF No. 623]. The Court's  
18 order on Weintraub's second interim fee application allowed an interim payment of \$224,480.50  
19 in fees and \$142.69 in expenses for the period of February 1, 2024, through May 31, 2024 [ECF  
20 No. 798]. This Second Interim Fee Application Order also authorized Weintraub interim  
21 compensation for an administrative claim in the amount of \$32,314.47 for services provided during  
22 the First Interim Application Period. The Court's order on Weintraub's third interim fee application  
23 allowed an interim payment of \$282,856.68 in fees and \$145.85 in expenses for the period of June  
24 1, 2024, through September 30, 2024 [ECF No. 941]. Weintraub received a retainer prepetition  
25 from the Debtor, of which \$210,754.00 remained on the Petition Date. The Debtor has paid  
26 Weintraub the fees and costs allowed by the interim fee orders from the retainer and payments from  
27 the Debtor.

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1 With respect to the Bankruptcy Rule 2016(a) requirements for attorney fee applications,  
2 Weintraub has not received any payments to date in this case from any source, other than the  
3 Debtor.

4 Pursuant to the Order Establishing Procedures and Authorizing Payment of Professional  
5 Fees and Expenses on a Monthly Basis [ECF 212], Weintraub has filed and served fee notices for  
6 October [ECF No. 917], November 2024 [ECF No. 953], December 2024 [ECF No. 968], and  
7 January 2025 [ECF No. 1006]. No objections were received with respect to the October,  
8 November, and December notices, while the time for objections to the January fee notice has not  
9 yet expired. BR has received payments from the Debtor, such that is has been paid 80% of fees  
10 and 100% of expenses with respect to the October, November and December fee notices. No  
11 payments have yet been received for January 2025 as of the filing of this application. Thus,  
12 Weintraub has received payments in the amount of \$58,230.00 in fees and \$8,483.88 in costs  
13 allowed by the monthly fee notices for October 2024 through December 2024, such that it has been  
14 paid 80% of fees and 100% of costs for the outstanding fees for that period. The unpaid 20%  
15 holdback together with the January fees and costs total \$66,697.00. The retainer balance as of  
16 January 31, 2025, was \$8,275.17.

17 With respect to Bankruptcy Rule 2016(b), Weintraub has not entered into any agreement,  
18 express or implied, with any other party-in-interest, including the Debtor, any creditors, or any  
19 representative of them, or with any attorney or accountant for such party-in-interest for the purpose  
20 of fixing fees or other compensation to be paid for services rendered or expenses incurred in  
21 connection with this case, and no agreement or understanding exists between Weintraub and any  
22 other person for the sharing of the compensation to be received for services rendered in, or in  
23 connection with, this case.

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IX.

CONCLUSION

Based on all of the above, Weintraub respectfully requests that this Court enter an order granting the relief requested herein, and for such other and further relief as the Court deems necessary and proper.

Dated: March 4, 2025

WEINTRAUB TOBIN CHEDIAK COLEMAN  
GRODIN Law Corporation

By:

Paul E. Gaspari  
Special Litigation Counsel for The Roman Catholic  
Archbishop of San Francisco

Dated: March 6, 2025

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Dated: March 6, 2025

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